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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,592	11/30/1999	KRISHNA MANGIPUDI	20496/2	9253

7590 05/13/2004  
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BOSTON, MA 02111

EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/13/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

5d

**Advisory Action**

Application No.

09/451,592

Applicant(s)

MANGIPUDI ET AL. 

Examiner

Thu Ha T. Nguyen

Art Unit

2155

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED on April 26, 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**HOSAIN ALAM****SUPERVISORY PATENT EXAMINER**

**Attachment to Advisory Action**

1. Applicant's arguments filed on April 26, 2004 have been fully considered but they are not persuasive because of the following reasons:

2. Applicants' amendment changes the scope of the claim by deleting limitations such as "...a reporter...at least one of...". See claim 6. Therefore, further consideration and/or search is required.

3. Applicants argue that Bhoj does not teach or suggest the step of defining classes of service for at least one of host system, user, URL, hosted site, transaction, content and file type. Before addressing the argument, Examiner submits that "defining classes of services" could be given a broad and reasonable interpretation as classes of services are ranked into level based on agreement of SLA (for example, a gold class may be defined to be required higher performance than a silver class, p.11, lines 15-16 of instant application). Prior art, Bhoj teaches a service management system, based on the contract of SLA such as authentication, access control, network load, time delay...to compute service metrics and provide the level (class) of service to clients (col. 9 lines 19-col. 10 lines 8, col. 13 lines 1-19). It deems to be obvious to one of ordinary skill in the art that before providing the level or class of service to client, the management system based on the attributes assertion or parameters of contract of SLA to define or determine the level or class of services. Therefore, it would have been obvious to one skill in the art to modify the communications system having a step of defining classes of services because it would provide an efficient data service system for managing, measuring and reporting service attributes.

4. Applicants argue that neither Bhoj nor Fletcher teach acceptance levels that depend on at least one of a class of service. In response to Applicants' argument, Examiner asserts that Bhoj does teach acceptance levels that depend on at least one of a class of service as shown in col. 9 lines 19-col. 10 lines 7.

5. Applicants argue that neither Bhoj nor Fletcher teach a collection processor measuring and periodically collecting a set of defined parameters for said at least one back-end servers. In response to Applicants' argument, Examiner asserts that Fletcher does teach a collection processor measuring and periodically collecting a set of defined parameters for said at least one back-end servers as shown in fig. 3 col. 6 lines 26-34, col. 8 lines 7-col. 9 lines 30, col. 22 lines 67-col. 23 lines 7, col. 23 lines 55-col. 26 lines 65.

6. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 6, and 9. Claims 2-5, 7-8, and 10-16 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see paper no. 11]. Accordingly, claims 1-16 are respectfully rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen whose telephone number is (703) 305-7447. The examiner can normally be reached on Monday- Friday, 8:00AM – 6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Thu Ha Nguyen

May 11, 2004